

LETTER

60-145-L

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A-101-L

LES HARDY	
I Concur	
WADE CHURCH	
I Concur	
H.B. DANIELS	

October 17, 1960

Honorable Alvin Wessler
Member, House of Representatives
1711 N. Desmond Lane
Tucson, Arizona

Dear Mr. Wessler:

The Attorney General acknowledges receipt of your letter of October 5, 1960, which requests an interpretation of A.R.S. §16-897 upon the following question:

"Is the employer in violation of the law, by paying the two hours off and allowing the time; and then working the employee an additional eight hours at straight time? Or would this be considered ten hours worked, requiring overtime figuration of two hours pay?"

A.R.S. §16-897 provides:

"A. A person entitled to vote at a general election held within this state may, on the day of election, absent himself from the service or employment at which he is employed for a period of two hours between the time of opening and closing the polls, and he shall not, because of such absence, be liable to any penalty, nor shall any deduction be made therefor from his usual salary or wages. Application shall be made for such absence prior to the day of election, and the employer may specify the hours during which the employee may absent himself.

B. A person who refuses an employee the privilege conferred by this section, or who subjects an employee to a penalty or reduction of wages therefor, or who directly or indirectly violates the provisions of this section, is guilty of a misdemeanor."

The legislative intention of the above quoted statute

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is to permit a person to absent himself from employment for a period of two hours on the days of election for the purpose of voting, and when such person absents himself for such periods, he shall not be liable to any penalty nor shall any deduction be made in his salary or wage.

Therefore, it is the opinion of the Attorney General that no deduction in pay shall be made from the salary or wage of the employee while absent for such purpose, nor may the hourly period of his employment be extended so as to compensate for the time the employee was absent for the purpose of voting, not exceeding two hours.

Very truly yours,

WADE CHURCH
The Attorney General

LESLIE C. HARDY
Chief Assistant
Attorney General

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